

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FINGERLAKES MALL, LLC,

Plaintiff,

Case No: 07-cv-6768

-against-

CLERK'S CERTIFICATE

FINGERLAKES MALL ACQUISITION, LLC,

Defendant.
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I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on July 27, 2007 with the filing of a summons and complaint, a copy of summons and complaint was served on defendant by serving Vincent Nicoletta, a Partner at Greenberg Nicoletta & Stein LLP, as authorized to accept same on behalf of defendant, and proof of such service thereof was filed on August 3, 2007.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: New York, New York
August 13, 2007

Sept 13, 2007

J. MICHAEL MCMAHON
Clerk of the Court

By: _____

[Signature]
Deputy Clerk